

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

ALLIANCE FOR HIPPOCRATIC
MEDICINE, *et al.*,

Plaintiffs,

v.

U.S. FOOD AND DRUG
ADMINISTRATION, *et al.*,

Defendants.

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) Case No. 2:22-cv-00223-Z
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**MOTION OF PROSPECTIVE *AMICUS CURIAE*
FAMILY RESEARCH COUNCIL TO WAIVE LOCAL COUNSEL
REQUIREMENT OF LOCAL RULE 83.10(a)**

Non-party and prospective *amicus curiae* Family Research Council (“FRC”), through the undersigned counsel and pursuant to N.D. Texas LR 83.10(a), files this motion seeking leave of this Court to waive that rule’s requirement to obtain local counsel who resides or has a principal office within 50 miles of the courthouse. In support, Proposed *Amicus* FRC states:

1. Proposed *Amicus* FRC is a Washington, D.C.-based nonprofit research and educational organization that seeks to advance faith, family, and freedom in public policy from a biblical worldview. FRC recognizes and respects the inherent dignity of every human life from conception until death and believes that the life of every human being is an intrinsic good, not something whose value is conditional upon its usefulness to others or to the state. FRC also recognizes the inherent dignity of every woman and thus supports proper

medical ethics and standards aimed at protecting the health and well-being of women. FRC fully supports and concurs in the claims brought by Plaintiffs in this action, and with this motion also is filing a Motion for Leave to file a brief *Amicus Curiae* (with proposed brief) in support of Plaintiffs and the relief they request in their Complaint (ECF 1) and Motion for Preliminary Injunction (ECF 6).

2. Proposed *Amicus* FRC anticipates that the filing of its *Amicus* brief and related documents will be its only participation in this matter before this Court, and that its motions will be decided on the papers only, without a hearing. Given FRC's minimal involvement in the case, local counsel would be unnecessary and good cause exists for a waiver from Local Rule 83.10(a)'s requirements. Should the Court request it to do so, FRC will attend any hearing(s) and obtain local counsel. Thus, proposed *Amicus* FRC respectfully requests that the Court enter an Order waiving Local Rule 83.10(a)'s local-counsel requirement.

3. Certificate of Conference: In their Joint Motion to Extend Deadlines and Set Briefing Schedule, ECF 12, Plaintiffs and Defendants stipulated they would not oppose the filing of *amicus* briefs and that *amici* need not seek their consent before petitioning for leave to file an *amicus* brief. LR 7.1(b). *Amicus* FRC construes that stipulation as extending to motions to waive the local-counsel requirement, and the Court has granted another such motion without a conference. ECF 30 Order, granting ECF 17 & 18).

4. A proposed order is attached.

WHEREFORE, prospective *Amicus Curiae* Family Research Council requests that the Court grant it leave to proceed without the local counsel required by Local Rule 83.10(a).

Respectfully submitted,

THE SMITH APPELLATE LAW FIRM

/s/ Michael F. Smith

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Counsel for Proposed Amicus Curiae

Family Research Council

*Application for admission *pro hac vice* pending

Dated: February 10, 2023